

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

SETH PAUL LEMKE, )  
vs. )  
Plaintiff, )  
vs. ) NO. CIV-08-0006-HE  
DENNIS BANTHER, ET AL., )  
Defendants. )

**ORDER**

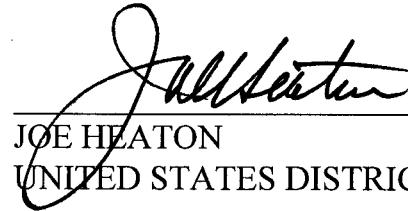
Plaintiff Seth Paul Lemke, a state prisoner appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights while he was confined in the Kingfisher County Jail. The plaintiff sued Dennis Banther, the Sheriff of Kingfisher County, and Yvonne Dow, the District Court Clerk for Kingfisher County. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Doyle W. Argo, who recommended that the claims against defendant Banther be dismissed because of the plaintiff's failure to file an amended complaint by February 2, 2009, as directed.

The court granted the plaintiff an extension until June 15, 2009, to file an amended complaint. The plaintiff was advised that if an amended complaint was not filed by that date his claims against defendant Banther would be dismissed.

The plaintiff has neither amended his claims against defendant Banther nor explained his failure to do so. Accordingly, the court adopts Magistrate Judge Argo's Report and Recommendation [Doc. # 32] and dismisses the plaintiff's claims against defendant Banther.

**IT IS SO ORDERED.**

Dated this 1 day of June, 2009.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE